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Attorneys for Plaintiff

Hon. Rosanna Malouf Peterson

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

STEWART KERR, M.D., a married
individual,

Plaintiff,

v.

WENATCHEE VALLEY MEDICAL
GROUP, a Washington professional
service corporation, CONFLUENCE
HEALTH, a Washington professional
service corporation, STUART
FREED, an individual, and PETER
RUTHERFORD, an individual

Defendants.

No. 2:20-cv-00092-RMP

STIPULATED MOTION AND
[PROPOSED] ORDER TO
DISMISS CLAIMS

I. STIPULATION

Pursuant to LCivR41(a)(1)(B), Plaintiff Stewart Kerr, M.D. (“Kerr” or “Plaintiff”) and Defendants Wenatchee Valley Medical Group (“WVMG”), Confluence Health (“Confluence”), Stuart Freed (“Freed”), and Peter Rutherford (“Rutherford”) (collectively, “Defendants”), by and through their counsel of record, stipulate and respectfully request that the Court dismiss Plaintiff’s the following claims from Plaintiff’s First Amended Complaint

(Dkt #19) with prejudice and without an award of attorneys' fees or costs to any party:

1. Plaintiff's First Cause of Action ("False Claims Act Retaliation")
2. Plaintiff's Second Cause of Action ("False Claims Act Retaliation")
3. Plaintiff's Fourth Cause of Action ("Constructive Termination in Violation of Public Policy")

Furthermore, Plaintiff and Defendants further request that the Court decline to exercise supplemental jurisdiction over Plaintiff's remaining state law claims and dismiss the state law claims without prejudice, pursuant to 28 U.S.C. § 1367(c).

STIPULATED BY COUNSEL OF RECORD this 29th day of January, 2021.

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II. ORDER

The Court, having reviewed the foregoing stipulation of the parties,
HEREBY ORDERS, ADJUDGES, AND DECREES as follows:

1. Plaintiff's First, Third, and Fourth Causes of Action in his First Amended Complaint (Dkt #19) shall be, and hereby are, **DISMISSED WITH PREJUDICE** and without an award of attorneys' fees or costs to any party.
2. Because the Court **DECLINES TO EXERCISE** supplemental jurisdiction over Plaintiff's remaining state law claims under 28 U.S.C. § 1367(c), it **DISMISSES** those claims **WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED this ____ day of _____, 2021.

Hon. Rosanna Malouf Peterson